

CITY OF KELOWNA

BYLAW NO. 12674

Amendment No. 3 to Good Neighbor Bylaw No. 11500

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Good Neighbour Bylaw No. 11500 be amended as follows:

1. THAT **Section 2. Definitions** be amended by

1.1. Adding the following new definition in its appropriate place:

"Holiday has the same meaning as in the British Columbia *Employment Standards Act*;"

1.2. Deleting in its entirety the definition of "Public Works Manager" that reads:

"Public Works Manager means the person with supervisor authority over the City's department of Public Works;"

1.3. Adding the following new definition in its appropriate place:

"Roadways Operations Manager means the person with supervisory authority over the City's Roadways Operations;"

2. THAT **Section 8. Construction Noise** be amended by:

2.1. Deleting in its entirety **Section 8.1** that reads:

"8.1 No person shall on any day before 0700 hours or after 2100 hours make or cause, or permit to be made or caused any **construction noise**."

and replacing with:

"8.1 No person shall make or cause, or permit to be made or caused any **construction noise** that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity except:

- a) between the hours of 7:00 am and 9:00 pm on any weekday that is not a **holiday**;
- b) between the hours of 7:00 am and 4:00 pm on any weekday that is a **holiday**, or on any Saturday;
- c) between the hours of 8:00 am and 4:00 pm on any Sunday.

2.2. Deleting from **Section 8.2** all instances of the words "for permission".

2.3. Deleting from **Section 8.2** the final sentence that reads:

"An application in the form specified by the **development engineering manager** or **development engineering manager**, as appropriate, must be submitted at least five (5) business days prior to the date of the proposed activity."

and replacing with:

"An application in the form specified by the **Roadways Operations Manager** or **Development Engineering Manager**, as appropriate, must be submitted at least five (5) business days prior to the date of the proposed activity."

2.4. Deleting in its entirety **Section 8.3** that reads:

"8.3 Upon receiving an application submitted in accordance with section 8.2, the **City** may, by written permit, vary the time restrictions set out in section 8.1 for a certain location and activity if, in the opinion of the **public works manager** or **development engineering manager**, as appropriate:

- (a) public safety or traffic considerations make it necessary or expedient that the work or activity commence or continue beyond those time restrictions; or
- (b) it is impossible or impractical to carry out, within those time restrictions:
 - (a) excavation;
 - (ii) concrete pouring or finishing;
 - (iii) major structural or mechanical component delivery or placement; or
 - (iv) relocation of a building; and

after considering whether there should be prior notification of the neighbourhood that would be affected, the **Roadways Operations Manager** or **Development Engineering Manager**, as appropriate may impose such terms and restrictions as deemed necessary in the circumstances to mitigate the impact of the **construction noise** on the adjacent neighbourhood."

and replacing with:

"8.3 Upon receiving an application submitted in accordance with section 8.2, the **City** may, by written permit, vary the time restrictions set out in section 8.1 either with respect to a specific location or throughout the **City** generally. Such permit may be issued if, in the opinion of the **Roadways Operations Manager** or **Development Engineering Manager**, as appropriate:

- (a) any of the following considerations make it necessary or expedient that the work or activity commence or continue beyond those time restrictions:
 - (i) safety of the public or the environment;
 - (ii) significant impacts to traffic on public roadways;
 - (iii) extreme heat conditions (i.e. forecasted daily high temperature of 30 degrees Celsius or higher according to the 24-hour Environment Canada weather forecast for Kelowna); or
- (b) it is impossible or impractical to carry out, within those time restrictions:
 - (i) excavation;
 - (v) concrete pouring or finishing;
 - (vi) dewatering;
 - (vii) major structural or mechanical component delivery or placement; or
 - (viii) relocation of a building.

2.5. Adding the following new section in its appropriate place:

"8.3.1 A permit issued in accordance with section 8.3 may be subject to terms and restrictions as deemed necessary by the **Roadways Operations Manager** or **Development Engineering Manager**, as appropriate, to mitigate the impact of the **construction noise** on the adjacent neighbourhood. Such terms and restrictions may include, but are not limited to:

- (a) prior notification of the neighbourhood that would be affected;
- (b) restrictions on the type of work or activities performed; or
- (c) restrictions on the use of heavy equipment and vehicles."

2.6. Adding the following new section in its appropriate place:

"8.7 Section 8.1 does not apply to municipal or other government personnel or contractors carrying out work on behalf of the **City** or government, as applicable, including but not limited to snow removal, maintenance and repair of highways, public works, infrastructure, buildings, structures, parks and other lands."

3. AND FURTHER THAT all instances of “public works manager” be replaced with “**Roadways Operations Manager**” throughout the entirety of this bylaw.
4. This bylaw shall come into full force and effect and is binding on all persons as and from the date of September 2, 2024.

Read a first, second and third time by the Municipal Council this 22th day of July, 2024.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk